



**State of New Hampshire**  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



Alan P. Aulson / Shell Rock Realty Trust  
49 Danton Dr  
Methuen, MA 01844

**LETTER OF DEFICIENCY**

**#SP-2003-20**

September 30, 2003

RE DES Wetlands File #2003-01937 96 Ashuelot Pond Rd, Washington

Dear Mr. Aulson

On September 22, 2003 personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Washington Tax Map 18, Lot 29, Ashuelot Pond Road, Washington, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act. During the inspection the following deficiencies were noted:

- Fill has been placed at the top of the bank on your property, adjacent to Ashuelot Pond. At the time of the inspection, the fill was being contained by a silt fence.

Silt fence is not intended to be used to contain fill and will fail under these conditions. In response, you are requested to take the following actions:

1. Within 72 hours of receipt of this Letter of Deficiency, remove the fill away from the edge of bank and temporarily stabilize the pile.
2. Within 14 days of receipt of this Letter of Deficiency, submit a restoration plan to DES describing a permanent method for retaining and stabilizing the fill in its present location; or provide details as to how the fill will be removed and the impacted area stabilized.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley or myself at (603) 271-4054.

Sincerely,

**COPY**  
Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7002-3150-0001-5411-1685

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit ✓  
Washington Conservation Commission  
Washington Board of Selectmen  
David Killoy, US Army Corps of Engineers